

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
JUL 06 2007
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY D. J. DEPUTY CLERK

)BRANDON CALLIER, Pro se, ANA CALLIER, Pro se,
)CRAIG CUNNINGHAM, Pro sec
)Plaintiff,
)
) v.
)
)BILLIE E. BAUER
)Defendant

COMPLAINT
CIVIL ACTION NO. EP07CA0226/k e

**DEFENDANT'S OBJECTION TO PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER AND INCORPORATED MEMORANDUM OF LAW.**

1. Comes now the Defendant, Billie Bauer, Pro Se and hereby objects to the Plaintiff's motion for temporary restraining order and incorporated memorandum of law for the following reasons.
2. Plaintiffs claim to have served this instant motion for temporary restraining order by inclusion with their original motion and complaint. The envelope containing their original motion and complaint as received by the Defendant contained exactly seven (7) sheets as shown to have been filed on Pacer as of June 19th 2007. This instant motion is four (4) pages long by itself and did not show up on Pacer until June 26th 2007. If the original service had actually

contained this instant motion as claimed by the Plaintiffs the original service envelope would have contained eleven (11) pages not seven (7). Additionally, Plaintiffs did not serve the papers as claimed but rather had the papers mailed to the Defendant by a company using the name CCH CONSULTING, a company not registered with the Texas Secretary of State according to a certified statement of no registration issued to the Defendant by the office of the Secretary of State in and for the State of Texas. Since the fictitious name CCH CONSULTING is not registered to do business in the State of Texas it could not have legally served the Defendant. Furthermore, it therefore has no legal capacity or standing to take any part in this instant case nor can the present Plaintiffs legally represent the interests of a Corporation.

Corporations are not natural persons and are unable to speak for themselves and therefore must be represented by competent legal counsel authorized to practice law before this Honorable Court. Therefore this Defendant, acting pro se wishes to state that he believes that the Plaintiffs may possibly be practicing law without license or permission of the Court to do so. They may also be committing other offenses of which the Defendant is unaware.

3. Even if the Plaintiffs had included this instant motion in their original complaint and summons as falsely claimed they have still violated several Rules of Procedure including but not limited to violation of Federal Rules of Civil Procedure 11(a) which states that each paper shall state the signer's address and phone number, if any.

Each and every document submitted to this Honorable Court and to the Defendant has violated this Rule. Therefore this Defendant respectfully suggests that the Court may wish to sanction the Plaintiffs in such a manner as the Court deems reasonable and proper. Defendant also notices this Honorable Court that Federal Rules of Procedure 65(a)(1) precludes this Court from issuance of preliminary injunction without notice to the adverse party. Defendant is the adverse party and has not been notified by the Plaintiffs in any way, shape or form or by any method whatever.

6. Defendant objects to Plaintiffs FACTS STATEMENTS number four (4) because Plaintiff acting Pro Se attempts to protect the business interests of a company but fails to explain in any document submitted to date exactly what it's business does or what it's products consist of.

In order that this Honorable Court might be more fully informed this Defendant wishes this Court to be advised that the business to which the Plaintiffs allude provides what is commonly known as "seasoned tradelines" to consumers wishing to improve their poor credit scores in order to obtain financing their current poor scores would not otherwise allow them to enjoy. As this Honorable Court is most likely well aware, those who purchase or have purchased this so called product, have their credit scores artificially elevated by the advertised 100 or more points and then apply to a lender who relies on the accuracy of the received credit reports to make the decision to extend credit based on them. That would be providing false and/or misleading information to a lender which is a federal felony offense. Anyone who might be providing false or misleading information to a lender would likely become a convicted felon, be forced to do time in a federal penal institution and have their lives ruined all because they were gullible enough to believe the Plaintiff's allegations that their products are in fact expressly permitted by law and that the Federal Trade Commission has stated that

Plaintiff's business practices are legal which is false and misleading both to consumers and to this Honorable Court. What the Plaintiff refers to is the fact that the Federal Trade Commission has probably stated that it is not illegal for someone to add another person to their credit card accounts as authorized users but obviously the Federal Trade Commission did not envision that the authorized user provision would be utilized in such a fashion that people with extremely high credit scores might be paid large amounts of money to add numerous persons with poor credit scores unknown and unrelated to them to their credit cards.

Credit bureaus are now revising their software to take care of this problem.

All credit bureaus and FICO having to upgrade their software will undoubtedly be a great expense and the final result may well be that even the ability of parents to help their children will be severely affected and all because of unscrupulous persons attempting to make a fast buck off of gullible people.

7. Defendant also believes that Plaintiffs have furthermore violated Federal Rules of Procedure 11(b)(2) which states that the claims, defenses, and other legal contentions therein are warranted by existing law.

Defendant maintains that the plaintiffs have failed to meet the requirements of Rule 11(b)(2). Defendant also believes and maintains that the Plaintiffs have furthermore violated Federal Rules of Procedure 11(b)(3) which requires that allegations and other factual contentions have evidentiary support or, if specifically so identified are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

8. Defendant contends that his denials are in compliance with Federal Rules of Procedure Rule 11(b)(4) because they are warranted on the evidence presented in these arguments.

9. Plaintiffs only purpose in bringing this instant action is to silence the truthful statements of the Defendant and deny him his Constitutional right to free speech under the First Amendment of the Constitution of the United States of America. When citizens become aware that an unlawful act is being perpetrated upon an unsuspecting public

they have a civic duty to speak out in order to protect the public. This Defendant did not speak out until he had found such reputable publications as The Wall Street Journal, Reuters and other such news sources also speaking about this practice and the harmful effects it has had upon the American public and the nation's economy. The Defendant has spoken the truth, did not act irresponsibly and did not exceed the bounds of Constitutionally guaranteed free speech. Truth is an absolute defense against a charge of libel and defamation.

8. Plaintiffs have a blog at <http://angryconsumerdiary.com> on which they regularly engage in the exact same practices against others including but definitely not limited to the Defendant of which they complain here. Thus they are before this Honorable Court with unclean hands.

9. For all of the above reasons the Defendant hereby respectfully motions this Honorable Court to deny Plaintiffs demands for temporary restraining order or relief of any kind.



Billie Bauer, Defendant Pro Se, July 4, 2007
1604 SW 28th St.
Oklahoma City, Oklahoma 73108
Phone 405-616-7901

UNITED STATES DISTRICT COURT
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EL PASO DIVISION

)BRANDON CALLIER, Pro se, ANA CALLIER, Pro se,
)CRAIG CUNNINGHAM, Pro se
)Plaintiff

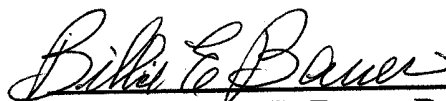
COMPLAINT
CIVIL ACTION NO. EP07CA0226

) v.

)BILLIE BAUER aka Creditwrench
)Defendant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing objection to plaintiffs motion for temporary relief was mailed/delivered to Craig Cunningham at P.O. Box 220158 El Paso, Texas 79913 on July 4th, 20007 by certified mail return receipt requested number 70051160000167479772



Billie E. Bauer Defendant Pro Se
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UNITED STATES DISTRICT COURT
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I hereby certify that a copy of the foregoing objection to plaintiffs motion for temporary relief was mailed/delivered to Ana Callier at P.O. Box 220158 El Paso, Texas 79913 on July 4th, 20007 by certified mail return receipt requested number 70051160000167479758



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)Plaintiff

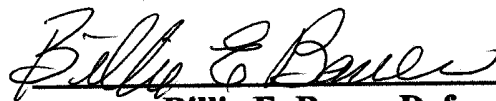
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